

tion and not less than five hundred dollars nor more than one thousand dollars for each subsequent conviction.

Sec. 2. The fact that the present law is uncertain and is of doubtful meaning, and the fact that there is no adequate law for the punishment of persons violating the provisions of Article 730, 731 and 734, relating to the sale of feed stuff in the State of Texas, creates an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

FIFTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
Thursday, March 15, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Absent.

Hudspeth.

Prayer by the Rev. Mr. Moody of Alvin; Texas.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Stenographer Appointed.

The Chair announced the appointment of Miss Margaret Fry as stenographer to Senator Alderdice, to take the place of Miss Frankie Wren, who resigned the 10th inst.

Special Committee—Senate Concurrent Resolution No. 28.

To serve on the committee provided for in Senate Concurrent Resolution No. 28 I appoint the following: Senators Floyd, Lattimore and McNealus.

W. P. HOBBY,
Lieutenant Governor.

Bills and Resolutions.

By Senators Page, Alderdice, Bee and Strickland.

S. B. No. 487, A bill to be entitled "An Act making appropriations for deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1912, 1913, 1914, 1915, 1916 and part of 1917, being the claims registered in the office of the Comptroller of Public Accounts in accordance with the law, and for outstanding claims not registered and to be registered, and to make additional emergency appropriations for the support of the State Government for the year ending August, 31, 1917, and declaring an emergency."

Read first time and referred to Committee on Finance.

Simple Resolution No. 124.

Be it resolved, That one thousand (1000) copies of Governor Ferguson's initial message to the Thirty-fifth Legislature be printed for distribution and paid for out of the contingent expense fund of the Senate.

PAGE.

The resolution was read and adopted.

Senate Bill No. 423.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

S. B. No. 423, A bill to be entitled "An Act to restore and confer upon the County Court of Kerr County the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—22.

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McCollum.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Harley.	Westbrook.
Johnson of Hall.	Woodward.

Absent.

Buchanan of Bell.	Hopkins.
Dean.	Hudspeth.
Gibson.	King.
Hall.	McNealus.
Henderson.	

Senate Bill No. 472.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

S. B. No. 472, A bill to be entitled "An Act to amend Chapter 77 of the Special Laws passed at the Regular Session of the Thirty-third Legislature of 1913, providing for more efficient road laws for Bexar County, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and on motion of Senator Bee, was passed by the following vote:

Yeas—23.

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McCollum.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Johnson of Hall.	

Absent.

Buchanan of Bell.	Hopkins.
Dayton.	Hudspeth.
Harley.	King.
Henderson.	McNealus.

Senate Bill No. 475.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

S. B. No. 475, A bill to be entitled "An Act creating the Girard Independent School District in Kent County, Texas, out of the territory known as the Girard Common School District No. 13 in said county; defining its boundaries and providing for the election of trustees therefor and authorizing the board of trustees to levy, assess and collect special taxes, conferring upon the board of trustees plenary powers, etc., and declaring an emergency."

The bill was laid before the Senate, read third time and on motion of Senator Buchanan of Scurry was passed by the following vote:

Yeas—23.

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McCollum.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Johnson of Hall.	

Absent.

Buchanan of Bell.	Gibson.
Dean.	Henderson.

Hopkins.
Hudspeth.

King.
McNealus.

House Bill No. 815.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 815, A bill to be entitled "An Act to amend Title 5, Article 30, paragraph 21, of the Revised Civil Statutes of Texas of 1911. which article provides for judicial districts of the State, and which paragraph defines the Twenty-first Judicial District and determines the date and length of term of such district court in each of the counties of the said district, and which amendment provides for a change in the term of said court in Lee County."

The committee report that the bill be not printed was adopted.

Senator Page offered the following amendments, which were read and adopted, being voted upon separately:

(1) Amend the caption of the bill by inserting in line 2, page 1, immediately after "1911" the following: "As amended by House Bill No. 381 of Chapter 8, on page 39, of the Acts of the Thirty-second Legislature."

And further amend the caption by adding after the word "county" in the last line thereof the words "and declaring an emergency."

(2) Amend paragraph 21, on page 1, of the bill, by striking out in lines 24, 25 and 26, the words "on the fifteenth Monday after the first Monday in March and September, and may continue in session six weeks" and insert in lieu thereof the following: "In the County of Bastrop there shall be held two terms of said court in each year, the first term to be held on the second Monday in January of each year, and may continue in session six weeks, and the second term to be held on the fifteenth Monday after the first Monday in March of each year, and may continue in session six weeks."

The bill was read second time and passed to its third reading.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 815 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Johnston of Harris.
Bailey.	Lattimore.
Bee.	McCollum.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.
Johnson of Hall.	Woodward.

Absent.

Buchanan of Bell.	Hopkins.
Dayton.	Hudspeth.
Gibson.	King.
Harley.	McNealus.
Henderson.	

The bill was laid before the Senate, read third time and on motion of Senator Page, the bill was passed finally.

Free Conference Committee Appointed on House Bill No. 111.

Senator Dayton sent up in writing the following privileged motion:

I move that the request of the House be granted for the appointment of a free conference committee on House Bill No. 111, and that Senators Dean, Johnson of Hall, Lattimore, Clark and Strickland be elected upon such committee.

DAYTON.

The motion prevailed, carrying the election of the members named.

Free Conference Committee Appointed on House Bill No. 364.

Senator Bee made the following motion in writing:

I move that the request of the House for the appointment of a free conference committee on House Bill No. 364 be granted and that Senators Johnson of Hall, Floyd, Robbins, Hall and McCollum be elected on said committee on the part of the Senate.

BEE.

The motion prevailed, carrying the election of the members named.

House Bill No. 227.

The Chair laid before the Senate as special order for this hour on its second reading:

H. B. No. 227, A bill to be entitled "An Act to amend Chapter 83 of the General Laws of the Regular Session of the Thirty-second Legislature, said Chapter 83 being known and published as an Act to amend Section 2 of Chapter 42 of the General Laws of the Thirtieth Legislature, relating to exemptions from the operation of what is known as the 'Anti-Pass Law,' so as to include among said exemptions the Fire Marshal of the State Fire Insurance Commission and those acting for him while actually engaged in fire prevention work and all city fire marshals while traveling to and from their State and district conventions."

The committee report that the bill be not printed was adopted.

Senator Lattimore offered the following amendment:

Amend House Bill No. 227 by striking out all after the enacting clause and insert the following:

Section 1. That Section 2, Chapter 42, of the General Laws of the Thirtieth Legislature, as amended by Chapter 83 of the General Laws of the Thirty-second Legislature, passed at its regular session, be amended so as to hereafter read as follows:

Sec. 2. That the provision of Section 1 of this Act shall not be held to prohibit any steam railway or electric interurban railway, telegraph company or chartered transportation company or sleeping car company, or the receivers or lessees thereof, or persons operating the same, or the officers, agents or employes thereof, from granting free passes, franks or privileges or things herein prohibited to the following persons:

1. The actual bona fide employes of any such companies and the members of their families. By the term employes it is meant only its officers bona fide ticket, passenger and freight agents and persons employed in the general offices, shops, yards, and operating department, local and general freight and passenger offices, and track men, and no others, provided that furloughed, pensioned and superannuated employes who have become disabled and infirm in the service of such common carrier, and the remains of a person killed in the employment of a carrier; also persons actually employed on sleeping cars, express cars, railway mail service and newsboys employed on

trains. By the term families as used in this paragraph is meant the families of persons named in this provision, and no others.

2. Necessary caretakers accompanying shipments of live stock, poultry, fruit, melons or other perishable products while en route and return.

3. The indigent poor upon trip passes when applied for by any religious or charitable organization.

4. Persons injured in wrecks upon the road of any such company immediately after the injury and the physicians and nurses attending any such person.

5. Persons and property carried in case of general epidemic, pestilence or other calamitous visitation at the time thereof or immediately thereafter.

6. Any article or articles being sent to an orphan home or other charitable institution.

Sec. 3. That all laws or parts of laws in conflict herewith are hereby expressly repealed.

Sec. 4. The fact that there are hundreds of persons riding upon free passes in the State of Texas who are not entitled so to do and that the rest of the people are deprived of that privilege, and the great abuse of the power now given to railroad companies and to other common carriers to issue free passes and franks are being greatly abused, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage.

LATTIMORE,
DEAN.

Senator Clark moved to table the amendment, and the motion prevailed.

Reasons for Vote.

Reasons for voting on House Bill No. 227: I am called upon to vote to give members of the Legislature free passes over the railroads. I have offered an amendment to strike out all after the enacting clause and insert Senate Bill 183, a bill introduced by me, and whose purpose is to allow the railroads to give free passes to their employes and the in-

digent poor, and a motion is now made to table my amendment. I vote no, and against tabling my amendment, believing that the law should restrict the grant of passes. As it now reads, the law lets railroads give passes to almost everybody except legislators. I believe the law should only permit them to give passes as my bill sets out. I therefore vote "no" against the tabling the amendment and against the bill.

LATTIMORE.

Senator Bailey offered the following amendment:

Amend House Bill 227 by adding after words "peace officers," at the end of the caption and in the body of the bill the words "County Attorneys."

On motion of Senator Clark the amendment was tabled.

Senator Dean made the point of order that House Bill No. 227 is before the Senate on a floor report of the committee, and that same is not signed by all members of the committee, and therefore the bill is not properly before the Senate for consideration.

The point of order was overruled for the reason that the committee report had been adopted by the Senate.

Senator Johnson of Hall offered the following amendment:

Amend the bill by inserting in Section 2, before the words the collector of internal revenue, the following "managers of eleemosynary institutions of the State."

JOHNSON.

Senator Woodward moved the previous question on the adoption of the amendment and on the passage of the bill to its third reading.

The motion being duly seconded, the main question was ordered.

Action recurred on the pending amendment and the same was lost.

Action then recurred upon the passage of House Bill No. 227 to its third reading and the same failed to pass by the following vote:

Yeas—8.

Clark.	McCollum.
Hall.	Page.
Harley.	Parr.
Johnston of Harris.	Woodward.

Nays—14.

Alderdice.	Floyd.
Bee.	Hopkins.
Buchanan of Bell.	King.
Buchanan of Scurry.	McNealus.
Caldwell.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.

Present—Not Voting.

Robbins.

Absent.

Bailey.	Henderson.
Decherd.	Lattimore.
Gibson.	Smith.

Pair Recorded.

Senator Johnson (present), who would vote "nay"; Senator Hudspeth (absent), who would vote "yea."

Senator Dean moved to reconsider the vote by which House Bill No. 227 failed to pass to its third reading and table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—12.

Bee.	Hopkins.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Dayton.	McNealus.
Dean.	Strickland.
Floyd.	Suiter.

Nays—10

Alderdice.	Johnston of Harris.
Caldwell.	McCollum.
Clark.	Page.
Hall.	Parr.
Harley.	Woodward.

Present—Not Voting.

Robbins.

Absent.

Bailey.	Henderson.
Decherd.	Smith.
Gibson.	Westbrook.

Pair Recorded.

Senator Johnson (present), who would vote "yea"; Senator Hudspeth (absent), who would vote "nay."

Senate Bill No. 264—House Amendments Concurred In.

Senator Dean called up for consideration of House amendments to:

S. B. No. 264, A bill to be entitled "An Act to authorize and permit W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the last will of Mrs. Delha Eastham, deceased, to sue the State of Texas and the Prison Commissioners of the State of Texas in the district court of Walker county for damages for the breaches, if any, and failure, if any, to perform the duties and obligations, if any, arising out of the contract made between Mrs. Delha Eastham, then a widow, now deceased, and J. A. Herring, then superintendent, and J. C. Haynes, then financial agent of the penitentiaries of the State of Texas."

The following House amendments were laid before the Senate:

Amend Senate bill No. 264, in caption by striking out the words "Walker" and inserting in lieu thereof the word "Travis," thereby establishing the venue of said suit in Travis county instead of Walker county.

Amend Senate bill No. 264, in line 5, Section 1, by striking out the word "Walker" and inserting in lieu thereof the word "Travis," thereby establishing the venue of said suit in Travis county instead of Walker county.

Amend Senate Bill No. 264 by adding after the word "obligation" on line 33, page 2, the following: "And such judgment shall be finally determined by the Courts of Civil Appeals and the Supreme Court, in favor of plaintiffs."

On motion of Senator Dean the Senate concurred in the amendments.

House Bill No. 237.

The Chair laid before the Senate as a special order for this hour, and on its second reading:

H. B. No. 237, A bill to be entitled "An Act to provide a more adequate system of laws relating to irrigation and declaring the unappropriated waters of the State the property of the State; authorizing their appropriation storage and diversion for beneficial uses; perpetuating the Board of Water Engineers and prescribing its powers, duties and compensation, defining water rights and prescribing the

method of acquiring, perfecting and preserving same; requiring application to be made to the Board of Water Engineers for permits to construct storage, diversion and distribution works, and prescribing the method thereof; limiting the right to the waters of the State to beneficial uses, and declaring forfeiture for abandonment of use; prescribing standards for the measurement of water; providing a method for the determination of water rights by the Board of Water Engineers; authorizing appeals from the decisions of the State Board of Water Engineers, and regulating the manner thereof; prescribing the method of serving notices on claimants and appropriators of water, and declaring the effects of failure to observe the same; authorizing the issuance of certificates of water rights and the recording thereof; fixing certain fees; creating the office of Water Commissioner and prescribing the duties and compensation thereof; authorizing the appointment of special assistants and prescribing their duties and compensation; dividing the State into water divisions and providing for water districts; prescribing the method for determining and recording titles to irrigation works, and establishing the period of limitation to quiet titles thereto; regulating partnership ditches, conferring the right of eminent domain in aid of construction of irrigation works; prohibiting the seeding of Johnson grass or Russian thistle on irrigation canals; prescribing penalties for violation of the provisions of this Act; requiring the making of annual report to the Board of Water Engineers; requiring the control of flowing artesian wells; authorizing the chartering of corporations to construct and operate irrigation and other works; authorizing contracts for the supply and delivery of water, and creating liens to secure payment thereof; authorizing the acquisition of lands by irrigation companies, and requiring the alienation thereof; repealing all laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Dayton offered the following amendments, which were read and adopted, being voted on separately:

(1) Amend Section 89, House Bill 237, by adding the Counties of Brew-

ster, Schleicher, Menard, Maverick, Kinney and Val Verde.

(2) Amend Section 99, House Bill No. 237 by striking out the following words: "Action may be brought before the Board of Water Engineers," and insert in lieu thereof the following: "Action may be brought before any district court of this State, having jurisdiction over the irrigation district in question."

Senator Dayton offered the following amendment:

Amend House Bill No. 237 by striking out all of Section 91 and renumbering the remaining sections.

On motion of Senator Lattimore the amendment was tabled.

Senator Suiter offered the following amendment:

Amend House Bill No. 237 by striking out Sections 10 and 11 of said bill and inserting in lieu thereof the following:

Section 10. The Act of the Thirty-third Legislature, Chapter 171, General Laws, approved April 9, 1913, creating the Board of Water Engineers is hereby repealed and the said Board of Water Engineers is discontinued.

For the purpose of carrying out the intentions of this Act, the duties required herein of the Board of Water Engineers shall be performed by one engineer who shall be appointed by the Governor, by and with the advice and consent of the Senate and he shall hold his office for a term of four years and until his successor is appointed and qualified, and shall be known as the State Water Engineer. Said engineer shall be a graduate civil engineer, experienced in irrigation. He shall enter into bond to be approved by the Governor in the penal sum of ten thousand (\$10,000.00) dollars, with not less than two personal sureties or with one surety or guaranty company authorized to do business in this State, conditioned for the faithful discharge of the duties of his office, and for the delivery to his successor or the person entitled to receive the same of all moneys, books and other property belonging to the State then in his hands or under his control or with which he may be legally chargeable. The Governor shall have power to remove at any time for cause the State Water

Engineer after said engineer shall have been given a full, free and public hearing by the Governor. The Governor shall fill any vacancy by appointment with the advice and consent of the Senate.

Sec. 11. The State Water Engineer shall receive a salary of three thousand six hundred (\$3,600.00) dollars per annum, payable in monthly installments upon the presentation of salary vouchers approved by the Governor, and shall also receive his actual traveling expenses when called away from his office in the performance of his duty as State Water Engineer.

SUITER.
STRICLAND.
BAILEY.

Senator Hall made the point of order that the amendment is not germane to the bill.

Pending.

Messages From the House.

Hall of the House of Representatives.
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 13. A bill to be entitled "An Act providing for the payment by the State of Texas of a monthly pension to indigent, widowed mothers for the partial support of their children in their own homes," with amendments.

Adopted the Free Conference Committee report on House Bill No. 2 by the following vote: Yeas, 96; nays, 23.

Adopted House Concurrent Resolution No. 24.

Does not concur in Senate amendments to House Bill No. 364 and request a conference committee be appointed. The following have been appointed on the part of the House: Messrs. Boner, Yantis, Burton of Tarrant, Russell, McFarland and Cates.

Does not concur in Senate amendments to House Bill No. 111, and request that a free conference committee be appointed. The following have been appointed on the part of the House: Messrs. Williams of McLennan,

Spradley, Thomason of Nacogdoches,
Lee, Terrell, Cope and Pope.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

Recess.

At 12:35 o'clock p. m., on motion of Senator Clark, the Senate recessed until 2:30 o'clock p. m. today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Hobby.

Senate Bill No. 223—House Amendments Concurred In.

Senator Johnston of Hall called for consideration of House amendments to:

S. B. No. 223, A bill to be entitled "An Act to provide for the purchase and lease of real property by county school districts and of those independent school districts having less than 150 scholastics, and by the trustees of all independent school districts having 150 scholastics or more in the State of Texas, by condemnation proceedings, for the purpose of furnishing playgrounds and sites upon which to build school houses and for agricultural purposes to be used in connection with said schools."

The following House amendments were laid before the Senate:

(1)

Amend the bill by adding at the end of Section 1 thereof the following, to wit: "Cemetery associations, whether incorporated or unincorporated, shall have the power to purchase, lease, or otherwise acquire such land as may be needed by them for the purpose of the proper burial of the dead in the communities in which they may be located, and such power shall extend to the acquisition of such land as may reasonably be needed therefor in the future, as well as such land as may be immediately needed at the time of such acquisition. Such land may be acquired also by condemnation proceedings in

the manner now provided for the condemnation of lands for right-of-way purposes by railroad companies; and the acquisition of such lands is hereby declared to be for a public purpose."

(2)

Amend the bill by striking out all of the caption after the phrase "To be entitled" and by inserting in lieu thereof the following, to-wit: "An Act granting the power to purchase, lease, or acquire by condemnation, for certain public purposes, to county school trustees of common school districts having less than 150 scholastics, trustees of independent school districts, trustees of independent school districts having 150 or more scholastics, and to cemetery associations, incorporated or unincorporated, and declaring an emergency."

On motion of Senator Johnson of Hall, the Senate concurred in the amendments.

Senate Bill No. 13—House Amendments Concurred In.

Senator McNealus called up for consideration of the House amendments to:

S. B. No. 13, A bill to be entitled "An Act providing for the payment by any county of the State of Texas of a monthly pension to indigent, widowed mothers for the partial support of their children in their own homes."

The following House Amendments were laid before the Senate:

Amend the bill by inserting the words "not more than" before the words "twelve dollars," in line 18, page 2.

Amend Senate bill No. 13 by adding to Section 1, subdivision (f), which shall read as follows: "(f) The names, sex and age of each of her children, giving date and place of birth of same."

Amend Senate bill No. 13 by striking out all of Section 5 after the word "old," in line 17, on page 2, and insert in lieu thereof the following: "Not more than eight dollars for one such child; not more than twelve dollars for two children, and not more than four dollars per month for each additional child."

On motion of Senator McNealus

the Senate concurred in the amendments.

House Bill No. 151.

(By unanimous consent.)

Senator Caldwell called up from the table and the Chair laid before the Senate on second reading:

H. B. No. 151, A bill to be entitled "An Act to make fraudulent advertising a penal offense, and prescribing a penalty, and making each day the same is committed a separate offense."

Senator Caldwell offered the following amendment to the committee report which was adopted:

Amend the committee report by adding at the end thereof "and be printed in the Journal only."

On motion of Senator Caldwell the bill was laid on the table subject to call.

Simple Resolution No. 125.

(By unanimous consent.)

Be it Resolved by the Senate, That the Secretary of the Senate furnish to the Chief Clerk of the House of Representatives the vote in the Senate with reference to House Bill No. 227, and the House of Representatives be requested to publish same in the House Journal.

HALL.
CLARK.

Senator Page made the point of order that the matter contained in the resolution is improper, and that the Senate Journal is the proper record for such matters.

The point of order was overruled.

Action recurred upon the resolution and the same was lost.

Message From the House.

Hall of the House of Representatives
Austin, Texas, March 15, 1917.

Hon. W. P. Lobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 316, A bill to be entitled

"An Act to amend Title 22, Chapter 4, Article 883, Revised Civil Statutes 1911, of the State of Texas, and declaring an emergency.

H. B. No. 117, A bill to be entitled "An Act to amend Chapter 1, Title 49, of the Revised Civil Statutes of Texas, 1911, providing for the time and place of holding of elections, by adding thereto Article 2919a, providing that in all instances where practicable, all elections shall be held in some school house, fire station or other public building within the limits of the election precinct without charge therefor, except for actual additional expenses, and authorizing such use of public buildings, and declaring an emergency."

Amended S. B. No. 55 by striking out the enacting clause.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (Lieutenant Governor Hobby) had referred, after their captions had been read, the following House bills:

House Bill No. 834, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 754, referred to the Committee on Educational Affairs.

House Bill No. 836, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 840, referred to the Committee on Educational Affairs.

House Bill No. 829, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 823, referred to the Committee on Educational Affairs.

House Bill No. 808, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 820, referred to the Committee on Roads, Bridges and Ferries.

House Bill No. 117, referred to the Committee on Privileges and Elections.

House Concurrent Resolution No. 24, referred to the Committee on Agricultural Affairs.

Senate Concurrent Resolution No. 27—Notice of Calling Up.

At 2:45 o'clock p. m. Senator Lattimore gave notice by making the statement in open Senate that he would at 2:45 p. m. tomorrow call up from the table for consideration the resolution relating to charges against the State University, the same being Senate Concurrent Resolution No. 27.

Simple Resolution No. 66.

Senator Dayton gave notice that he would at the same hour call up Senate Resolution No. 66.

House Bill No. 822.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 822, A bill to be entitled "An Act incorporating and reorganizing the Sealy Independent School District in Austin County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 822 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Sviter.
Hall.	

Absent.

Harley.	King.
Henderson.	Westbrook.
Hudspeth.	Woodward.

The bill was laid before the Senate,

read third time and on motion of Senator Clark was passed finally.

Free Conference Committee Report on House Bill No. 364.

Committee Room,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate; Hon. F. O. Fuller, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed by your respective bodies to consider the amendments of the Senate to House Bill No. 364,

Have had the same under consideration, and beg leave to report that we have reached the following agreement:

We recommend that the House accept all Senate amendments placed upon the bill and in addition thereto we recommend the following amendment:

Amend Section 3 of the bill by adding at the end thereof the following: "provided that the provisions of this Act shall not apply to notices made necessary by law by any licensed pawn broker in this State."

JOHNSON,
FLOYD,
ROBBINS,
HALL,
McCOLLUM,

On the part of the Senate.

BONER,
RUSSELL,
YANTIS,
BURTON of Tarrant,
CATES,

On the part of the House.

The report was laid before the Senate, and on motion of Senator Johnson of Hall was adopted.

Free Conference Committee Report on House Bill No. 2 Adopted.

Senator Dean called up from the table and the Chair laid before the Senate the report of the Free Conference Committee on H. B. No. 2.

(See pages 1258 to 1262, inclusive, of the Journal for the committee report in full.)

The report was laid before the Senate and on motion of Senator Dean, the same was adopted by the following vote:

Yeas—22.

Alderdice.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.
Hall.	Sulter.
Harley.	Woodward.

Nays—2.

Bailey.	McNealus.
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Absent.

Decherd.	Hudspeth.
Gibson.	Page.
Henderson.	Westbrook.
Hopkins.	

Bills Signed.

The Chair (Lieutenant Governor Hobby), gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 469, A bill to be entitled "An Act to create a more efficient road system for Kent County, Texas; defining the powers and duties of the commissioners' court of said county in adopting such system, and providing for the condemnation of lands for the opening, changing, widening, ditching, making embankments or fills or draining water away from the public roads in said county; providing for raising or lowering grades, changing or discontinuing of public roads in said county; providing that the commissioners of said county be ex officio road commissioners, defining their powers and duties and providing for their compensation, etc., and declaring an emergency."

S. B. No. 388, A bill to be entitled "An Act to create the Wharton Independent School District in Wharton County, Texas, including the present

Wharton Independent School District, providing for a board of trustees in said Wharton Independent School District, etc., and declaring an emergency."

S. B. No. 394, A bill to be entitled "An Act to amend Section 16 of Chapter 20 of the Local and Special Laws of the Thirty-first Legislature, 1909, approved March 8, 1909, entitled 'An Act to create a more efficient road system for Lampasas County, Texas, and declaring an emergency.'"

S. B. No. 368, A bill to be entitled "An Act to amend Article 6096, Chapter 1, of Title 101 of the Revised Civil Statutes of the State of Texas pertaining to petitions and authorizing the partition of any real estate, or of any interest therein, or of any mineral, coal, petroleum or gas lands, whether held in fee or by lease or otherwise, and declaring an emergency."

S. B. No. 116, A bill to be entitled "An Act providing for the creation of the office of assistant district attorney for the Sixth Judicial District of Texas, defining the duties and qualifications of said office; fixing the bond and salary, and declaring an emergency."

S. B. No. 445, A bill to be entitled "An Act to create a more efficient road law for Mason County, Texas, by amending Chapter 67 of the Special Laws of the Thirty-second Legislature, 1911, and to provide for the appointment of a superintendent of public roads and bridges for Mason County, and declaring an emergency."

House Bill No. 237.

(Pending.)

Action recurred upon pending business, House Bill No. 237, the question being upon the point of order made by Senator Hall that the pending amendment of Senator Sulter is not germane to the bill.

The Chair overruled the point of order.

Action recurred upon the pending amendment of Senator Sulter.

Senator Lattimore moved to table the amendment, and the motion prevailed by the following vote:

Yeas—13.

Bee.	Harley.
Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Dayton.	Page.
Floyd.	Parr.
Gibson.	Woodward.
Hall.	

Nays—7.

Alderdice.	Robbins.
Bailey.	Strickland.
Buchanan of Scurry.	Suiter.
Decherd.	

Present—Not Voting.

Henderson.

Absent.

Hopkins.	Smith.
McCollum.	Westbrook.

Pairs Recorded.

Senator Buchanan of Bell (present) who would vote "nay"; Senator King (absent), who would vote "yea."

Senator Dean (present), who would vote "yea"; Senator McNealus (absent), who would vote "nay."

Senator Johnson (present), who would vote "nay"; Senator Hudspeth (absent), who would vote "yea."

Senator Dayton offered the following amendment, which was read and adopted:

(3) Amend House Bill No. 237, in Section 99, by striking out all of the said section after the word "Act" in line 8.

Senator Hall moved the previous question on the passage of the bill to its third reading, which being duly seconded, was ordered.

The bill was read second time and passed to its third reading.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 237 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Dayton.
Bailey.	Dean.
Bee.	Decherd.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Gibson.
Caldwell.	Hall.
Clark.	Harley.

Henderson.	Parr.
Hopkins.	Robbins.
Johnson of Hall.	Strickland.
Johnston of Harris.	Suiter.
Lattimore.	Woodward.
Page.	

Absent.

Hudspeth.	McNealus.
King.	Smith.
McCollum.	Westbrook.

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 818.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 818, A bill to be entitled "An Act to amend Section 18, Chapter 15 of the Acts of the Thirty-second Legislature of the State of Texas, providing for a special road system for Ellis County, etc."

The committee report that the bill be not printed was adopted.

The bill was read second time and on motion of Senator Alderdice passed to its third reading.

On motion of Senator Alderdice, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 818 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Johnson of Hall.
Bailey.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Woodward.

Absent.

Bee.	Hudspeth.
Clark.	King.
Dayton.	Page.
Dean.	Westbrook.
Hopkins.	

The bill was laid before the Senate read third time and passed finally.

House Bill No. 740.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 740, A bill to be entitled "An Act to repeal Chapter 71, Special Acts of 1915, Thirty-fourth Legislature of Texas, creating a special road system for Milam County, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator McCollum, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 740 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Johnson of Hall
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Woodward.

Absent.

Hopkins.	Page.
Hudspeth.	Westbrook.
King.	

The bill was lead before the Senate, read third time and passed finally.

House Bill No. 793.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 793, A bill to be entitled "An Act to amend Section 9, Chapter 72, Laws of 1901, as amended by Chapter 119, Laws of 1913, entitled 'An Act to create a more efficient road system for Karnes County, Texas,' etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 793 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Johnson of Hall
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Suiter.
Gibson.	Woodward.
Hall.	

Absent.

Hopkins.	Page.
Hudspeth.	Strickland.
King.	Westbrook.

The bill was laid before the Senate, read third time and passed finally.

Senator Bailey moved to reconsider the vote by which House Bill No. 793 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 825.

The Chair laid before the Senate, on second reading,

H. B. No. 825, A bill to be entitled "An Act creating the Alief Independent School District in Harris County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Johnston of Harris, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 825 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Woodward.
Harley.	

Absent.

Hopkins.	King.
Hudspeth.	Westbrook.

The bill was laid before the Senate, read third time and passed finally.

Senator Johnston of Harris moved to reconsider the vote by which House Bill No. 825 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 485.

(By unanimous consent.)

The Chair laid before the Senate on second reading.

S. B. No. 485, A bill to be entitled "An Act creating the Lodge Independent School District, in Hall County, Texas; defining its boundaries and authority, abolishing common school districts No. 11, 15 and 25 in Hall County and declaring that all property owned in said districts is vested out of them and into the proper authority as the property of the said Lodge Independent School District, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Johnson of Hall the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 485 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Bee.
Bailey.	Buchanan of Bell.

Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Woodward.
Johnson of Hall.	

Absent.

Hopkins.	King.
Hudspeth.	Westbrook.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Woodward.
Harley.	

Absent.

Hopkins.	King.
Hudspeth.	Westbrook.

House Bill No. 669.

The Chair laid before the Senate on second reading,

H. B. No. 669, A bill to be entitled "An Act to amend Sections 2, 3, and 14 of an Act creating the county court of Dallas county at law, passed at the Regular Session of the Thirtieth Legislature of the State of Texas, and approved April 3, 1907, and adding thereto Sections 15 and 16, so as to restore to the county court of Dallas County jurisdiction in all matters and causes, civil and criminal, over which by the General Laws of the State county courts have jurisdiction, providing for the manner of filing and transferring cases, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator McNealus the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 669 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Johnson of Hall
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Woodward.
Harley.	

Absent.

Hopkins.	King.
Hudspeth.	Westbrook.

The bill was laid before the Senate, read third time and passed finally.

Senator McNealus moved to reconsider the vote by which H. B. No. 669 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 478.

The Chair laid before the Senate, on second reading,

S. B. No. 478, A bill to be entitled "An Act incorporating and creating the Phelps Independent School District in Walker County, Texas, for free school purposes only, defining its boundaries, and declaring an emergency," etc.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 478 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Johnson of Hall
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Hopkins.	King.
Hudspeth.	McCollum.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Johnson of Hall
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Hopkins.	King.
Hudspeth.	McCollum.

House Concurrent Resolution No. 22.

The Chair laid before the Senate, on second reading,

H. C. R. No. 22, authorizing the Board of Penitentiary Commissioners, with the approval and consent of the Governor and Attorney General to sell and dispose of property belonging to the Penitentiary known as the State's Iron Industry, etc.

The resolution was laid before the Senate, read third time and adopted.

Senator Strickland moved to reconsider the vote by which H. C.

R. No. 22 was adopted and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 549.

The Chair laid before the Senate on third reading,

H. B. No. 549, A bill to be entitled "An Act to prevent unnecessary cruelty in catching or killing of wild animals and to prevent live stock and other domestic animals from injury, and to prevent the extermination of wild animals usually hunted for sport, and to forbid the setting of any trap, snare or device for taking, snaring, trapping or catching of same, and to prevent the taking, catching, killing or trapping of such animals, and to provide a punishment for so doing."

Senator Harley offered the following amendment which was read and unanimously adopted.

Amend H. B. No. 549 by striking out all of Section 1, and substituting the following for Section 1:

"Section 1. That it shall hereafter be unlawful for any person to set any trap, snare or device for the purpose of catching, snaring, or trapping any fox, mink or raccoon in the County of Caldwell, or to catch, take or kill any such animal by any trap, snare or device whatsoever, in said Caldwell County for a period of ten years from the taking effect of this Act."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 409.

The Chair laid before the Senate on third reading,

H. B. No. 409, A bill to be entitled "An Act to amend Article 3883 of the Revised Civil Statutes of the State of Texas for 1911, relating to fees of county officers."

Senator Caldwell offered the following amendment, which was read:

Amend H. B. No. 409 by striking out committee amendment No. 1 as adopted in the Senate on second reading.

On motion of Senator Lattimore the amendment was tabled.

The bill was laid before the Sen-

ate, read third time and passed finally.

House Bill No. 149.

The Chair laid before the Senate on second reading,

H. B. No. 149, A bill to be entitled "An Act to amend Title 126, Chapter 1, Article 7355, Section 9, of the Revised Civil Statutes of the State of Texas of 1911, on the question of taxation."

Senator Lattimore offered the following amendment which was read and adopted:

Amend by striking out the word "saloon" in line 32, page 1.

The bill was read second time and passed to its third reading.

On motion of Senator Dayton, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 149 put on its third reading and final passage by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Hopkins.	King.
Hudspeth.	McCollum.

The bill was laid before the Senate, read third time and passed finally.

House Joint Resolution No. 27.

The Chair laid before the Senate on its third reading:

H. J. R. No. 27, Proposing an amendment to the State Constitution providing for the levy of a special tax to provide free textbooks in the public schools of the State of Texas; proposing to amend Article 7 of the Constitution by adding

thereto a new section to be known as Section 16.

The resolution was laid before the Senate, read third time and finally passed by the following vote:

Yeas—23.

Alderdice.	Johnston of Harris.
Bee.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.
Henderson.	Westbrook.
Hopkins.	Woodward.
Johnson of Hall.	

Nays—4.

Bailey.	Hall.
Decherd.	Suiter.

Absent.

Gibson.	Hudspeth.
Harley.	McCollum.

Senator Bee moved to reconsider the vote by which H. J. R. No. 27 was adopted and table the motion to reconsider.

The motion to table prevailed.

Message From the House.

Hall of the House of Representatives.
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt Free Conference Committee report on H. B. No. 364 and recommitted to the Conference Committee. House conferees are instructed not to recede from the action of the House on adopting the amendments on third reading, the engrossed rider.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair (President pro tem. Henderson) gave notice of signing and did sign, in the presence of the

Senate, after their captions had been read, the following bills:

S. B. No. 264, A bill to be entitled "An Act to authorize and permit W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the last will of Mrs. Delha Eastham, deceased, to sue the State of Texas, and the Prison Commission of the State of Texas, in district court of Walker County, for damages for the breaches, if any, of, and the failure, if any, to perform the duties and obligations, if any, arising out of the contract made between Mrs. Delha Eastham, then a widow, now deceased, and J. A. Herring, then superintendent, and J. C. Haynes, then financial agent of the penitentiaries of the State of Texas, for the cultivation, with convict labor, of the farm of the said Mrs. Delha Eastham, situated in Houston County, Texas, for the term of two years, beginning on the first of January, A. D. 1910, and ending on the 31st day of December, A. D. 1911, which said farm consists of about four thousand acres of cultivable land, and providing that no pleas of limitation shall be urged in bar of the cause of action, alleged by the plaintiffs in said suit, and providing that no execution shall issue on the judgment, if any, rendered therein, but that such judgment shall be recognized as a valid claim by the Prison Commission, and providing for the manner of payment thereof."

S. B. No. 268, "An Act directing the State Superintendent of Public Instruction to require of county judges, county, city and town superintendents, county and city treasurers and depositories of school boards and other school officers and teachers certain reports, relating to school funds and school affairs; providing that the State Superintendent shall furnish blanks for such purposes; providing a penalty for a failure to make such reports within twenty days after required by the State Superintendent, and declaring an emergency."

S. B. No. 390, A bill to be entitled "An Act to amend an Act entitled 'An Act to provide for the establishment and maintenance of a State training school upon the cot-

tage plan for dependent and delinquent girls of Texas; to locate same and provide for its control and management, and to make conditional appropriations and to provide for private, county and city donations for its establishment, and declaring an emergency," which Act is known as Chapter 144 of the Acts of the Thirty-third Legislature, and making it an offense to persuade, coerce or employ any inmate of such institution, or any home selected by the authorities thereof for any girl committed to such institution, to leave such institution or home, and making it an offense to aid, advise, encourage or furnish means for any female to escape from said institution or to aid or facilitate such escape, or to hide or conceal any inmate after she has escaped, and providing for punishment therefor."

H. B. No. 725, A bill to be entitled "An Act amending Section 14 of the Stephens County road law as enacted by the Regular Session of the Thirty-third Legislature, increasing the pay of each county commissioner from two to three dollars a day, or to an amount not exceeding one hundred and thirty-five dollars per quarter when acting as road commissioner, and declaring an emergency."

H. B. No. 645, A bill to be entitled "An Act creating and incorporating the Florence Independent School District in Williamson County, Texas, including the present Florence Independent School District, and declaring an emergency."

H. B. No. 620, A bill to be entitled "An Act creating the Tilden Independent School District in McMullen County, Texas, and defining its boundaries, etc., and declaring an emergency."

H. B. No. 450, A bill to be entitled "An Act to amend subdivision 2, Article 7355, Chapter 1, Title 126, of the Revised Statutes of the State of Texas for 1911, levying an occupation tax upon traveling vendors of patent medicines."

H. B. No. 718, A bill to be entitled "An Act to create a more efficient road system for Newton County, Texas, and creating the office of superintendent of public roads and bridges in said county, and

providing for the appointment and discharge of superintendent, and prescribing his powers and duties, etc., and declaring an emergency."

H. B. No. 593, A bill to be entitled "An Act amending Chapter 74 (Senate Bill No. 349), Acts of the Thirty-third Legislature, correcting field notes so as to make same identical with field notes of Common School District No. 5 of San Patricio County, Texas, as created by the commissioners court of said county May 13, 1902, and recorded in Volume 2, page 439 of the minutes of said court, and validating bonds issued by Common School District No. 5 of San Patricio County, Texas, and declaring valid a maintenance tax heretofore levied, and declaring an emergency."

H. B. No. 536, A bill to be entitled "An Act creating a new road law for Travis County."

H. B. No. 478, A bill to be entitled "An Act to amend Section 7 of Chapter 107, page 214, of the General Laws of the Thirty-second Legislature of 1911, and regulating the time for holding the district court in the various counties composing the Fiftieth Judicial District of Texas, so as to give Dickens County one more week, and validating processes, and declaring an emergency."

H. B. No. 564, A bill to be entitled "An Act creating and incorporating the Rails Independent School District in Crosby County, Texas, etc., and declaring an emergency."

H. B. No. 573, A bill to be entitled "An Act creating a more efficient road system for Dickens County, Texas, and making county commissioners ex officio road commissioners of their respective precincts, and prescribing their powers and duties as such, etc., and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act creating for Dallas County an additional county court at law: providing a name therefor; prescribing the jurisdiction thereof; providing for the election and qualification of the judge thereof; fixing the judge's compensation; specifying the terms of said court; prescribing the fees to be collected by the judge thereof; prescribing the powers and duties of the judge thereof, etc."

H. B. No. 519, A bill to be entitled "An Act to apply to and govern all insurance corporations incorporated under the laws of the State; making it unlawful for an insurance corporation so created to make a voluntary assignment, and prescribing the duty of such company when it finds itself unable to meet its obligations; making void any voluntary general assignment by such company or any acts relative thereto and making void all transfer of assets after an act of insolvency or in contemplation thereof, with a view of preferring one creditor over another; declaring that no attachment, injunction or execution shall issue against such an insurance company or its property before final judgment," etc.

H. B. No. 636, A bill to be entitled "An Act creating a more efficient road system for Wichita County, Texas, etc., and declaring an emergency."

H. B. No. 639, A bill to be entitled "An Act to permit the paying of the members of the commissioners' courts in Wheeler County, Texas, \$4.00 per day for services."

H. B. No. 652, A bill to be entitled "An Act to create a commission to make a complete educational survey of the State of Texas, including the institutions of higher learning and State departments doing extension work or semi-educational work."

H. B. No. 693, A bill to be entitled "An Act to amend Articles 4, 5, 6, 7, 8, 9, 10 and 11 of an Act to provide a special road law for Denton County, Texas, etc., and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act incorporating and creating the Knipna Independent School District of Uvalde County, Texas, etc., and declaring an emergency."

H. B. No. 776, A bill to be entitled "An Act to amend Chapter 56 of the Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-second Legislature, which said Act was 'An Act to incorporate the Meridian Independent School District in Bosque County, Texas, for free school purposes only,' etc., and declaring an emergency."

H. B. No. 21, A bill to be entitled "An Act fixing the salaries of judges of the Supreme Court, and

the Court of Criminal Appeals, and the judges of the Courts of Civil Appeals, and of the district courts of this State, and declaring an emergency."

H. B. No. 708, A bill to be entitled "An Act creating the Seadrift Independent School District in Calhoun County, Texas, etc., and declaring an emergency."

H. B. No. 655, A bill to be entitled "An Act to amend Article 923 of the Penal Code of this State as enacted by Chapter 135 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, so as to exempt therefrom the counties of Hood and Somervell as to the waters of the Brazos River, and as to the waters of Paluxy Creek from the first day of July to the first day of January of each year, and providing that giggering and grabbing is and shall be prohibited in both streams at all times, and declaring an emergency."

H. B. No. 231, A bill to be entitled "An Act to amend Article 900, Title 10, of the Code of Criminal Procedure of the State of Texas of 1911, so as to make bail bonds good for all criminal cases until verdict for judgment and until the defendant is taken in custody by the sheriff, and declaring an emergency."

Recess.

We move that the Senate recess and meet at 8 p. m. tonight; that the roll be called beginning at the last letter of the alphabet; that each Senator be permitted to present all local bills from his district and engross same, or have same passed to third reading without roll calls.

Dayton, Lattimore, Dean, Johnson, Page, Woodward, Parr, Decherd, Johnston of Harris, Westbrook, Robbins, Clark, Sulter, Buchanan of Scurry, Smith, Hall, Bailey, Buchanan of Bell, Alderdice, Harley, Floyd, Bee.

At 7 o'clock p. m. the motion prevailed.

After Recess.

(Night Session.)

The Senate was called to order by

Lieutenant Governor Hobby and by unanimous consent the Senate stood at ease for fifteen minutes.

(Senator Alderdice in the Chair.)

Bills and Resolutions

(By unanimous consent.)

By Senator Parr:

S. B. No. 489, A bill to be entitled "An Act creating and incorporating the Mercedes Independent School District in Hidalgo County, Texas, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Caldwell:

S. B. No. 488, A bill to be entitled "An Act adding to and making a part of the Kingsland Independent School District of Llano County, Texas, certain lands and territory adjoining thereto situated in Burnet County, Texas, etc., and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

House Bill No. 716.

The Chair laid before the Senate on second reading:

H. B. No. 716, A bill to be entitled "An Act to amend the present Runnels County Special Road Law in raising the salaries of the commissioners of said county, so that they may receive \$540 for their services in any one year, and raising the salaries for services upon the roads of said county, and prescribing the maximum that each county commissioner may receive while acting as road commissioner of said county, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 840.

On motion of Senator Dayton the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 840

put on its second reading by the following vote:

Yeas—27.

Alderdice.	Henderson.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Hopkins.	King.
Hudspeth.	McCollum.

The Chair laid before the Senate on second reading:

H. B. No. 840, A bill to be entitled "An Act increasing the limits of the Talpa Independent School District, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 795.

The Chair laid before the Senate on second reading,

H. B. No. 795, A bill to be entitled "An Act creating and incorporating the Goldthwaite Independent School District in Mills County, Texas, including the town of Goldthwaite, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 365.

The Chair laid before the Senate on second reading,

H. B. No. 365, A bill to be entitled "An Act to permit S. S. Perry of Brazoria County, Texas, to bring suit against the State of Texas for an al-

leged damage growing out of an alleged breach of contract entered into by and between the said S. S. Perry and the Board of Prison Commissioners September 20, 1911," with engrossed riders.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 700.

The Chair laid before the Senate on second reading,

H. B. No. 700, A bill to be entitled "An Act creating the Docum and Miller Common County Line School District, containing territory in Erath and Comanche Counties, Texas, including the territory of the school districts known as Miller and Docum Common School Districts of Comanche and Erath Counties, respectively; placing said common county line school districts under the jurisdiction of Comanche County, to be known as Common School District No. 110 of said county; a board of trustees therefor; vesting said district and board of trustees with all the rights, powers, privileges and duties conferred and imposed on common school districts and boards of trustees thereof, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 239.

The Chair laid before the Senate, on second reading,

H. B. No. 239, A bill to be entitled "An Act to diminish the civil jurisdiction of the county court of Falls County, Texas; conferring said civil jurisdiction upon the district court of said county and conforming the jurisdiction of said district court to said change; repealing all laws and parts of laws in conflict or inconsistent herewith, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator McCollum, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 239 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Bailey.	Lattimore.
Buchanan of Bell.	Parr.
Clark.	Robbins.
Henderson.	Smith.
Hudspeth.	Strickland.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Bailey.	Lattimore.
Buchanan of Bell.	Parr.
Clark.	Robbins.
Henderson.	Smith.
Hudspeth.	Strickland.

Senate Bill No. 468.

The Chair laid before the Senate on third reading,

S. B. No. 468, A bill to be entitled "An Act to amend Article 7235, Revised Civil Statutes of Texas, 1911,

which relates to the mode of preventing horses, cattle and certain other live stock from running at large in particular counties named; and amendment provides for the exemption of the County of Waller from the provisions of the said Article, and declaring an emergency."

Senator Johnston of Harris offered the following amendment which was read and unanimously adopted:

Amend the engrossed bill, page 2, Section 2, line 8, by placing after the word "suspended" a comma, and adding the following: "and said rule is hereby suspended," and by placing before the word "Act" the word "shall."

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 748.

The Chair laid before the Senate on second reading,

H. B. No. 748, A bill to be entitled "An Act to create the Kelton Independent School District of Wheeler County, Texas, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 757.

The Chair laid before the Senate on second reading,

H. B. No. 757, A bill to be entitled "An Act to fix the time of holding the courts of the Sixty-fourth Judicial District of Texas; to validate all process, bonds and recognizances heretofore taken in the courts of said district and all judgments therein rendered or to be rendered; repealing all laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 52.

The Chair laid before the Senate, on second reading:

H. B. No. 52, A bill to be entitled

"An Act to exempt from taxation all buffalo and catalo now in captivity in Texas, by whomsoever owned, where such animals are kept and used for experimental purposes in crossing same with cattle for the purpose of producing a better strain of beef, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 749.

The Chair laid before the Senate on second reading,

H. B. No. 749, A bill to be entitled "An Act permitting the commissioners court of Donley County, Texas, to pay the members of said court the sum of \$4 per day while serving at the terms of said court."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed its third reading.

House Bill No. 796.

The Chair laid before the Senate on second reading:

H. B. No. 796, A bill to be entitled "An Act creating the Pineland Independent School District No. 3 in Sabine County, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator King, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 796 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Harley.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Bailey.	Parr.
Henderson.	Smith.
Hudspeth.	Strickland.
Lattimore.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Harley.
Bec.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Bailey.	Parr.
Henderson.	Smith.
Hudspeth.	Strickland.
Lattimore.	

House Bill No. 791.

The Chair laid before the Senate on second reading:

H. B. No. 791, A bill to be entitled "An Act creating the Newton Independent School District, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 811.

The Chair laid before the Senate on second reading:

H. B. No. 811, A bill to be entitled "An Act to create a more efficient road system for Trinity County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 838.

The Chair laid before the Senate on second reading:

H. B. No. 838, A bill to be entitled "An Act to create the Shepherd Independent School District in San Jacinto County, Texas, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

House Bill No. 228.

The Chair laid before the Senate on second reading,

H. B. No. 228, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study, by correspondence, that supply the needs of Texas people; to provide for the appointment of an executive board for same, and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of the members of said faculty,"

The bill was laid before the Senate, read third time and passed finally.

Senator Clark moved to reconsider the vote by which House Bill No. 228 was passed and table the motion to reconsider.

The motion to table prevailed.

By unanimous consent it is here shown that Senator McNealus voted "no" on the passage of House Bill No. 228.

House Bill No. 755.

The Chair laid before the Senate, on second reading,

H. B. No. 755, A bill to be entitled "An Act creating a special road law for Eastland County."

The committee report that the bill be not printed was adopted.

Senator Buchanan of Scurry offered the following amendment which was read and adopted:

Amend House Bill No. 755 by striking out all before the enacting clause and inserting in lieu thereof the following:

"An Act to create a more efficient road system for Eastland County, making county commissioners, ex officio road commissioners; requiring additional bond; providing for appointment of deputy road commissioners; providing for the improvement and building of roads and bridges by contract; providing hours of labor for road hands; providing for the working of county convicts on the public roads; prescribing the duties of road overseers; providing for the payment of a specified sum of money in lieu of road work; providing penalties for overseers who fail or refuse to perform their duties under this law; providing penalties for road hands who fail or refuse to obey summons or do good work; providing for reports by road overseers; providing for condemnation of land for road purposes; providing for compensation of county commissioners when acting as road commissioners; creating the office of County Superintendent of Public Roads and Highways; providing for the issuance of bonds for road and bridge purposes and for the levying of taxes after an election favoring same; providing for interest and sinking fund for said bonds; providing for the levy and collection of a special road and bridge tax; providing for the working of the road by either road service or taxation or both; providing for the employment of surveyor of road work under certain conditions; providing that this law shall be cumulative of the General Laws on the subject of roads and bridges and declaring an emergency."

The bill was read second time and on motion of Senator Buchanan of Scurry was passed to its third reading.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 755 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Dean.
Bee.	Floyd.
Buchanan of Bell.	Hall.
Buchanan of Scurry.	Harley.
Caldwell.	Hopkins.

Johnson of Hall.	Parr.
Johnston of Harris.	Robbins.
King.	Strickland.
McCollum.	Suiter.
McNealus.	Westbrook.
Page.	Woodward.

Absent.

Bailey.	Henderson.
Clark.	Hudspeth.
Dayton.	Lattimore.
Decherd.	Smith.
Gibson.	

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 790.

The Chair laid before the Senate on second reading,

H. B. No. 790, A bill to be entitled "An Act creating the Stanton Independent School District of Martin County, Texas, by adding the present Stanton Independent School District more territory, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

Order of Business.

Senator Bee moved that the Secretary call the roll beginning at the center of the roll call and call the names alternately and that each Senator when his name is called, take up a general bill upon which there will be no contest.

The motion prevailed.

House Bill No. 615.

The Chair laid before the Senate on second reading,

H. B. No. 615, A bill to be entitled "An Act to amend Chapter 77 of the General Laws of the Thirty-second Legislature, approved March 17, 1911, and entitled 'An Act to provide for the location, establishment and maintenance of two colonies for the treatment of persons suffering from tuberculosis and to provide for the care and treatment of indigent consumptives, and making an appropri-

tion therefor; defining a "citizen" as used in this Act, and declaring an emergency," as amended by the Act of March 31, 1913, by adding thereto Sections 22, 23 and 24, authorizing charitable fraternities or societies in this State to erect upon the grounds of the State Tuberculosis Sanitarium accommodations for the preferential use of their own members and their families and the widows and children of their deceased members, such persons to be otherwise admitted, maintained, cared for and treated in said sanitarium under the same rules and regulations as other patients thereof, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Harley, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 615 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.

Absent.

Bailey.	Lattimore.
Buchanan of Bell.	Parr.
Gibson.	Smith.
Henderson.	Strickland.
Hudspeth.	

The bill was laid before the Senate, read third time and passed finally.

Senate Bill No. 488.

Senator Caldwell asked unanimous consent to take up S. B. No. 488 and moved that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 488 put on its second read-

ing which motion prevailed by the following vote:

Yeas—22.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.

Absent.

Bailey.	Lattimore.
Buchanan of Bell.	Parr.
Gibson.	Smith.
Henderson.	Strickland.
Hudspeth.	

The Chair laid before the Senate on second reading.

S. B. No. 488, A bill to be entitled "An Act adding to and making a part of the Kingsland Independent School District of Llano County, Texas, certain lands and territory adjoining thereto situated in Burnet County, Texas, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

Senate Bill No. 195.

Senator Hall called up from the table and the Chair laid before the Senate on second reading:

S. B. No. 195, A bill to be entitled "An Act to amend Title 25, Chapter 2, Revised Civil Statutes of 1911, authorizing the formation and organization of private corporations for the purpose of building and operating dry docks and marine railways, by adding thereto Article 75."

Senator Hall offered the following amendments which were read and adopted, being voted on separately:

(3)

Amend S. B. No. 195, by striking out lines 12, 13, 14, 15, 16 and

17 on page 1, of the printed bill, and insert the following:

Section 1. Private corporations may be created, under the general corporation laws of this State, by the voluntary association of three or more persons, for the purpose of building, constructing and repairing boats, ships and vessels for use in and for the navigation of rivers, lakes, streams and seas, with power to build, construct, maintain and operate such docks, dry docks, marine railways, wharves and other appurtenances as may be necessary for the accomplishment of such purpose.

Section 2. The fact that the general corporation laws of this State do not permit of the creation of the corporations for the purpose of constructing boats, ships and vessels, and the repair of same, and the fact that there is now an immediate necessity for the repair and construction of many vessels of all types, to care for the trade and commerce of this country, and the fact that the calendar is crowded and the end of this session of the Legislature is near, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read upon three several days be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

(4)

Amend S. B. 195 as follows:

Amend caption of the bill by striking out all on lines 7, 8, 9 and 10, on page 1, of the printed bill, and insert the following:

An Act to authorize the creation of corporations in this State under the General Corporation Laws for the purpose of building, constructing and repairing boats, ships and vessels for the navigation of rivers, lakes, streams, oceans and seas, with power to build, construct, maintain and operate such dry docks, marine railways and other appurtenances as may be necessary for the accomplishment of such purpose, and declaring an emergency therefor.

HALL.

The bill was read second time and passed to engrossment.

On motion of Senator Hall, the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 195 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Sulter.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Bailey.	Lattimore.
Buchanan of Bell.	Parr.
Clark.	Robbins.
Henderson.	Smith.
Hudspeth.	Strickland.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Sulter.
Gibson.	Westbrook.
Hall.	Woodward.
Harley.	

Absent.

Bailey.	Lattimore.
Buchanan of Bell.	Parr.
Clark.	Robbins.
Henderson.	Smith.
Hudspeth.	Strickland.

Senator Hall moved to reconsider the vote by which S. B. No. 195 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 249.

The Chair laid before the Senate on second reading,

H. B. No. 249, A bill to be entitled "An Act amending Article 1903 of the Revised Civil Statutes of the

State of Texas of 1911, so as to render a certified plea of privilege prima facie proof of the right of the defendants to change of venue, and providing for procedure thereon."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

Senate Bill No. 259.

The Chair laid before the Senate on second reading,

S. B. No. 259, A bill to be entitled "An Act to amend Article 5598 of the Revised Civil Statutes of the State of Texas of 1911, Title 84, Chapter 1, by providing that nothing in said title shall be construed to take away any now or hereafter existing defense to civil action for libel, and preserving all such defenses."

The bill was read second time and on motion of Senator Johnston of Harris was passed to engrossment.

Senate Bill No. 257.

The Chair laid before the Senate on second reading,

S. B. No. 257, A bill to be entitled "An Act to amend Article 5597 of Chapter 1, Title 84, of the Revised Civil Statutes of Texas of 1911 so as to make privileged, without proof of actual malice, fair, true and impartial accounts of all executive and legislative proceedings, including all reports and proceedings in or before legislative committees, boards of managers of public educational and eleemosynary institutions, city councils and other governing bodies of cities or towns, commissioners courts and boards of trustees of public schools."

The bill was read second time and on motion of Senator Johnston of Harris was passed to engrossment.

Senate Bill No. 258.

The Chair laid before the Senate on second reading,

S. B. No. 258, A bill to be entitled "An Act to fix the venue of suits for damages for libel and slander."

The bill was laid before the Senate, read second time and on motion of Senator Johnston of Harris was passed to engrossment.

Senate Bill No. 155.

The Chair laid before the Senate on second reading,

S. B. No. 155, A bill to be entitled "An Act to punish the making or use of false statements respecting financial condition for the purpose of obtaining money, property, or credit, when such money, property, or credit amounts to not less than fifty dollars; whether such statements are made directly or indirectly; making such an offense a felony and prescribing the punishment therefor."

The majority (favorable) committee report carrying committee amendments was adopted.

The bill was read second time and passed to engrossment.

House Bill No. 544.

The Chair laid before the Senate on second reading,

H. B. No. 544, A bill to be entitled "An Act to amend Article 984 of the Revised Civil Statutes of Texas of 1911, so as to authorize cities and towns to require the filling up, draining and regulating of any lot or lots, grounds, or yards or other places in the city or town which shall be unwholesome, or have stagnant water therein or from any other cause be in such condition as to be liable to produce disease; to cause or make inspection of all premises and to impose fine on the owners of houses under which stagnant water may be found, or upon whose premises stagnant water may be found, and to pass such ordinance as they may deem necessary for the purpose aforesaid, and making, filling up, altering or repairing of all sinks and privies, and directing the mode and material for constructing them in the future, and for cleansing and disinfecting the same; and for cleansing of houses, buildings, yards or grounds of filth, carrion or impure or unwholesome matter of any kind, and to punish the owner or occupant violating the provisions of any ordi-

nance so passed as aforesaid; and providing for the removal of weeds, rubbish, brush, etc., from lots, and empowering the city or town council, city commissioners, or other governing body of such city or town to make or cause such improvements to be made at the expense of the city on account of the owners, and to cause the expense of such improvements or work to be assessed on the real estate or lot or lots for or upon which work is done or improvements are made; and making provisions for notice to owners, and providing that a lien may be fixed upon such lot or lots, etc., for the improvement made, or caused to be made by the city or town, or for the work done, and also providing how the amounts expended in such improvements or work may be fixed, and providing for suit and foreclosure of the lien so given and the rate of interest to be paid on amounts so expended, repealing all laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 544 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Harley.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	Woodward.

Absent.

Bailey.	Parr.
Henderson.	Smith.
Hudspeth.	Strickland.
Lattimore.	

The bill was laid before the Senate, read third time and passed finally.

House Bill No. 681.

The Chair laid before the Senate, on second reading,

H. B. No. 681, A bill to be entitled "An Act to authorize the city council, board of aldermen, or other governing body of any city or town in this State, whether operating under special charter or the general law, to appropriate at the end of each fiscal year, so much of the net revenues of any waterworks system or other public utility system of service or enterprise owned by said city or town as such body shall deem to the best interest of said city or town, to the payment of the sinking fund and interest on the bonded indebtedness of such system, service or enterprise; for no other purpose; providing for the levy of a tax for raising such sinking fund and interest where such appropriation is insufficient as herein provided, and declaring an emergency."

Pending.

House Bill No. 419.

The Chair laid before the Senate on second reading,

H. B. No. 419, A bill to be entitled "An Act to establish standard containers and standard grades and packs for fruits and vegetables grown in this State for the markets; to prescribe dimensions and cubical contents of such containers; to require the manufacturers of such containers to conform to the standards herein prescribed; to define the different grades and packs as applied to different kinds of fruits and vegetables; to authorize the Commissioner of Agriculture of this State to promulgate and publish said standard for the information of the public, and promulgate standards of containers, grades and packs, in conformity with those hereafter established by the Secretary of Agriculture of the United States, and to promulgate such other standards of containers, grades and packs as in his judgment are expedient and to the best interest of the fruit and truck growers of the State; providing for supervision of the grading and packing of fruits and vegetables through State inspectors to be appointed by the Commissioner of Agriculture; em-

powering the Commissioner of Agriculture to enforce the provisions of this Act; prescribing penalties for its violation and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Strickland the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 419 put on its third reading and final passage by the following vote:

Yeas—20.

Alderdice.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Dean.	Page.
Floyd.	Parr.
Hall.	Robbins.
Harley.	Strickland.
Hopkins.	Westbrook.

Nays—1.

Sulter

Absent

Bailey.	Henderson.
Clark.	Hudspeth.
Dayton.	Lattimore.
Decherd.	Smith.
Gibson.	Woodward.

The bill was laid before the Senate, read third time and passed finally.

Senator Strickland moved to reconsider the vote by which H. B. No. 419 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 333.

The Chair laid before the Senate on second reading,

H. B. No. 333, A bill to be entitled "An Act to amend subdivision 60, Article 1121 of Chapter 2 of Title 25 of the Revised Civil Statutes of Texas adopted at the Regular Session of the Thirty-second Legislature, as amended at the Regular Session of the Thirty-third Legislature, authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline,

denatured alcohol or naptha motor railways with power to own, construct and operate union depots and office buildings and the right to acquire, hold and operate other public utilities in and adjacent to the cities or towns within or through which said companies operate; and authorizing those heretofore organized to acquire, hold and operate other public utilities in and adjacent to the cities or towns within or through which said companies operate, and providing the method of amending their charter so as to expressly include such authority."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

Free Conference Committee Report on House Bill No. 2 Adopted.

Committee Room,
Austin, Texas, March 19, 1917.

Hon. W. P. Hobby, President of the Senate; Hon. F. O. Fuller, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the Senate and the House on

H. B. No. 2,

Beg leave to report an agreement, embodied in the following recommendations:

1. We recommend that Section 2 of House Bill No. 2 be amended to read as follows:

Sec. 2. The Governor shall, within sixty days after this Act becomes effective, by and with the advice and consent of the Senate, appoint three citizens of the State as a Board of Highway Commissioners, hereinafter referred to as the State Highway Commission or the Commission. The term of office of the members of the Commission shall be for a period of two years, except that the members of the Commission first appointed shall serve until February 15, 1919, or until their successors shall have been appointed and have qualified. All vacancies in the membership of the Commission shall be filled in the same manner as is prescribed for the original appointment.

2. That Section 3 read as follows:

Sec. 3. The Governor, in making

the appointment of Highway Commissioners, shall designate one as Chairman of the Commission. The duties of the members of the Commission shall be such as the administration of the provisions of this Act require; attendance upon all regular meetings of the Commission as provided in this Act and such special meetings as the rules that may be adopted by the Commission for its guidance may provide or that may be called by the Chairman of the Commission. The Commission shall formulate plans and policies for the location, construction and maintenance, in co-operation with the counties of the State, or under the direct supervision and control of the State Highway Department, of a comprehensive system of State highways and public roads, and shall perform such other duties as may be conferred upon them by law. The members of the Commission shall be allowed actual and necessary expenses incurred while in the performance of the duties of their said offices, and shall each receive a per diem of ten dollars (\$10.00) for each day actually devoted to the work of the Department, the aggregate of such per diem, in no case to exceed the sum of one thousand (\$1,000.00) dollars for each member in any one calendar year, such expense and per diem to be paid from the funds provided for by this Act. Two members of the Commission shall constitute a quorum necessary to the transaction of business. Regular meetings of the Commission shall be held once each month at the State Capitol. Biennially a report of the work of the Commission shall be submitted to the Governor and to the Legislature, together with the recommendation of the Commission and the recommendations of the State Highway Engineer. Provided, that a quarterly statement shall be prepared and filed in the records of the Department and a copy transmitted to the Governor, which shall contain an itemized statement of all moneys received and from what source, together with an itemized statement of all moneys paid out and for what purpose; and provided further that these reports shall be treated as public documents and open to public inspection.

3. That Section 4 read as follows:

Sec. 4. Each member of the State Highway Commission shall file his

oath of office with the Secretary of State and execute a bond payable to the State of Texas, to be approved by the Governor, conditioned upon the faithful discharge of duty in office, in the sum of five thousand (\$5,000.00) dollars each, the premium for which bonds shall be paid out of the funds in this Act provided for.

4. That Section 5 read as follows:

Sec. 5. As soon as practicable after their qualifications for office, the State Highway Commission shall elect a State Highway Engineer, who shall be a competent civil engineer and graduate of some first class school of civil engineering, experienced and skilled in highway construction and maintenance, and who shall receive an adequate salary in the discretion of the Commission, and shall be allowed actual traveling and other expenses while absent from the State Capitol in the performance of his duty under direction of the Commission; and who shall hold his position until removed by the Commission. Before entering upon his duties, the State Highway Engineer shall execute a bond payable to the State of Texas in such sum as in the judgment of the Commission may be necessary, conditioned upon the faithful performance of his duties, such bond to be approved by the Commission and filed with the Secretary of State. The Highway Engineer shall act with the Highway Commission in an advisory capacity, without vote, and he shall submit reports to the Commission quarterly, annually and biennially setting forth in detail the progress of public road construction, and a statement detailing the expenditures therefor under the direction of the Department as provided in this Act.

5. That the word "Department" be substituted for the word "Commission" in the first line of Section 7 of the bill.

6. That Section 10 be amended by inserting after the word "connection" in the next to the last line of the said section, and before the word "the" the following: "and the Commission shall be empowered to deduct the expenses thereof from the allotment of funds to such county or counties to accrue from registration fees of motor vehicles and motorcycles as hereinafter provided for in Section 23 of this Act."

7. That Section 11 read as follows:

Sec. 11. The State Highway Engineers shall prepare under the direction and with the approval of the Commission, a comprehensive plan providing a system of State highways, and it shall be the duty of the Commission to advance the construction of such State highways in co-operation with the counties of the State, or under the direction, supervision and control of the State Highway Department, as the necessary funds for construction may be available. A copy of such plans of State highways shall be furnished by the Department to each county commissioners court in the State, to be displayed in the office in which the road records of the county are kept.

8. That Section 12 read as follows:

Sec. 12. Whenever the commissioners court of any county shall desire and is prepared to construct one or more miles of public road constituting a part of the system of State highways as designated by the department, such court may make application for an allotment of State aid from the State highway funds, and if such application is accompanied by plans, profiles and estimates prepared in accordance with the requirements of the State Highway Engineer, the Commission shall file such application in the order in which it is received; and when such roads shall be constructed according to specifications and under the supervision of the highway engineer, the Commission shall make an allotment of aid from any moneys available in the State highway fund, not to exceed one-fourth of the cost of construction; provided such State aid may not be expended to aid in constructing more than ten miles of road in any county during any one year. In counties in which the assessed valuation of property, in the judgment of the Commission does not warrant the construction of sections of the system of State highways necessary to provide the State with trunk roads, or to connect market centers of the State as provided in this Act, the Commission may, in its discretion, increase such allotment of State aid not to exceed one-half the cost of constructing not more than ten miles of such part of the system of State highways in each of such counties in one year. All such parts of the

system of State highways that may be constructed with State aid, as provided in this section, shall be maintained at the expense of the county in which such part of the highway is located in accordance with plans approved by the State Highway Department; and failure to maintain such sections of State highway shall forfeit any further State aid until such maintenance work shall have been done.

9. That Section 13 read as follows:

Sec. 13. The laboratories maintained at the Agricultural and Mechanical College of Texas and at the University of Texas shall be at the disposal and direction of the State Highway Engineer for the purpose of testing and analyzing road and bridge material, and it shall be the duty of those in charge of said laboratories to co-operate with and assist the State Highway Engineer to the end that the best interests of the State may be advanced in this connection. The Commission shall purchase all necessary supplies and materials required in the administration of this Act, and shall have authority to employ all clerical and other assistance necessary to carry out the provisions of this Act, and shall pay such labor the reasonable and customary price per day, month or year for the class of work performed.

10. That Section 16 read as follows:

Sec. 16. In order to provide funds to effectuate the provisions of this Act, on and after the first day of July, 1917, and annually thereafter on and after the first day of January, every owner of one or more motorcycles or motor vehicles in this State shall file in the office of the State Highway Department, on a blank provided by the department, application for registration for each motorcycle or motor vehicle owned or controlled by him. Such application for registration shall state the name of the owner and his address and such brief description of such motor cycle or motor vehicle to be registered by him as may be prescribed by the State Highway Department. Each application shall be accompanied by the requisite fee for semi-annual or annual registration as provided for in this Act, which registration fee shall be for each motorcycle three (\$3.00) dollars and

for each motor vehicle other than motor vehicles intended for commercial uses, and carrying or intending to carry a total gross load of more than one thousand (1,000) pounds per wheel; the registration fee shall be thirty-five cents per horsepower as determined by the standard gauging power employed by the Association of Licensed Automobile Manufacturers; but no such motor vehicle shall be registered for less sum than seven dollars and fifty cents (\$7.50). The term "motor-cycle" shall include only those motor vehicles with or without pedals and saddles and with the driver sitting astride. The term "motor vehicle" shall include all vehicles propelled by mechanical power. For each commercial vehicle the annual license fee shall be based upon the carrying capacity per wheel as follows:

Weight in Pounds

Per Wheel.	Fee.
1001 to 2,000.....	\$ 20.00
2001 to 4,000.....	40.00
4001 to 6,000.....	60.00
6001 to 8,000.....	150.00
8001 to 10,000.....	300.00

For loads greater than 10,000 pounds per wheel, license fees shall be charged for each vehicle at the additional rate of five hundred (\$500.00) dollars for each one thousand (1000) pounds increase in weight, or a fraction thereof; provided, however, that no load greater than eight hundred (800) pounds per inch width of tire per wheel shall in any case be permitted; and provided further that no vehicle of a total gross weight of more than fourteen tons shall be licensed by the Highway Commission.

The State Highway Department shall formulate rules for the determination of weights governing license fees established herein for commercial vehicles; these rules and the rates fixed by this section for commercial vehicles may be changed by the State Highway Department; provided that applications for license of commercial vehicles under the provisions of this Section shall state whether for operation in one or more counties, naming them, and if more than one the Department shall distribute one-half the license fee from such vehicle among the counties in

which such vehicle is operated, on a mileage basis. A commercial vehicle within the terms of this Act shall be one carrying passengers or freight for hire. Such motor vehicles as run upon rails or tracks shall not be subject to the provisions of this Act.

11. That Section 23 read as follows:

Sec. 23. All funds coming into the hands of the Highway Commission, derived from the registration fees herein before provided for, or from other sources, so collected, shall be deposited with the State Treasurer to the credit of a special fund designated as "The State Highway Fund," and shall be paid only on warrants issued by the State Comptroller's office upon vouchers drawn by the Chairman of the Commission and approved by one other member of the Commission, such vouchers to be accompanied by itemized sworn statements of the expenditures, except when such vouchers are for the regular salaries of the employees of the Commission. The said State Highway Fund shall be expended by the State Highway Commission for the furtherance of public road construction and the establishment of a system of State highways, as contemplated and set forth in this Act; provided, that semi-annually on the first days of September and March, respectively, beginning with September 1, 1917, one-half of the gross collections of registration fees from all motor vehicles and motorcycles, received from the several counties of the State by the State Highway Department, as provided in this Act, shall be remitted to the county treasurer in the counties from which such collections were respectively made; and provided, further, that such allotment of registration fees to the counties shall constitute a special fund to be expended by or under the direction of the commissioners courts of the respective counties in maintenance of public roads of such counties, in accordance with plans approved by the State Highway Department.

12. That Section 25 be amended by adding at the end of the section the following:

"Provided, that nothing in this Act shall in any wise authorize or empower any county or incorporated city or town in this State to levy and col-

lect any occupation tax or license fees on motorcycles, automobiles or motor trucks or motor vehicles."

Amend the caption to read as follows:

A BILL
To Be Entitled

An Act to establish a State Highway Department, creating a State Highway Commission, and the office of State Highway Engineer; prescribing the duties of the members of the Commission and of the Engineer, and fixing the compensation of each and the qualifications of such engineer; providing for the employment of such clerical and other assistance as may be deemed necessary in the operation of the Department; prescribing reciprocal duties for the Commission and for the county commissioners' courts of the State; directing the Commission to plan and adopt a comprehensive system of State highways, and to promote the construction thereof by co-operation with the counties, or independently by the Commission; authorizing a policy of State aid to counties in road construction intended to promote greater uniformity in the construction of highways; directing co-operation of the Department with the Federal Government in the utilization of any funds appropriated by Congress in aid of road construction in this State; authorizing the working of State prisoners on State highways under conditions that may be agreed upon by the Highway Commission and the Prison Commission and approved by the Governor; authorizing the use by the Department of the laboratories of the University of Texas and of the Agricultural and Mechanical College of Texas for analyses of road materials; providing a State registration for all motor vehicles and motorcycles, the issuance of a license in evidence thereof, fixing the fees and charges therefor, and providing that such fees and charges shall constitute a part of the fund for the support of the State Highway Department; and for the distribution to the counties of a part of the moneys received from such registration fees; providing for the furnishing of identification numbers to motor vehicles and motorcycles and for furnishing distinguishing

seals for the year for which issued to such motor vehicles and motorcycles; prescribing penalties for the violation of the provisions of the Act; making an appropriation to inaugurate the work of the Department as provided in this Act, and declaring an emergency.

Respectfully submitted,

CLARK,

On the part of the Senate.

TILLOTSON,

CARLOCK,

BRYAN,

FLY,

BLAND,

On the part of the House.

(See p. 1240 for the vote on the adoption of the report.)

Adjournment.

At 10:25 o'clock p. m. on motion of Senator Buchanan of Scurry the Senate adjourned until 10 o'clock tomorrow.

APPENDIX A.

Petitions and Memorials..

Senators Buchanan of Scurry, Alderdice and Dayton offered numerous signed telegrams from their respective districts urging the passage of the anti-pool hall bill.

The State Department of Agriculture.

Austin, Texas, March 15, 1917.

Senator Geo. W. Dayton, Senate Chamber. Austin, Texas.

Dear Friend: The Senate having passed a resolution concerning certain expenditures by this Department, and made same a matter of public record, I feel that in justice to myself and assistants, an explanation should be made in order that a misunderstanding might not go abroad, causing motives to be misunderstood and thereby weaken the public confidence.

The legality of the expenditures, according to the resolution, is to be decided by the Attorney General; therefore, I will discuss the "why" only.

It is a well known fact that people, even of equal means, traveling at their own expense, will vary widely in their expenditures. Difference in disposition and rearing are probably the primary causes for the expense accounts varying so much; yet the character of work also has much to do with it.

It would take up too much time to discuss this at length, or to go into the various items mentioned in the resolution, so I will base my remarks upon Mrs. Landrum's accounts. She is the most expensive lecturer in the Department. An expensive mode of travel is natural to her. She often works through women's clubs and women bankers, which naturally calls for a heavy expenditure.

On the other hand, Mr. McGalliard, the least expensive of our lecturers, works a great deal in the country, where there is little expense. Both methods are necessary to proper co-operation of all interested citizens.

When Mrs. Landrum's expense accounts began to run up, I had several of them verified and found them correct. It was then up to me to decide whether she was worth the money to the State. I soon saw she was an extraordinary woman, and seemed to have the ability to succeed anywhere she went, and a constitution capable of doing the work of two average women. Realizing this, and that the State was getting her services for less than one-half the salary of some other women workers, and that she was working all the day and almost half the night, I decided she was worth the money. She put in six organizations yesterday. However, she has been constantly reminded that her expenses must be held to the lowest possible figure, and recently she has been given a maximum of \$5.00 per diem to cover both hotel and railroad fare. This is what the National Department allows certain of its workers for expenses outside of transportation.

On pages 57 to 62, inclusive, of my last annual report you will find the statement of her activities, but aside from this she has written thousands of letters and lessons to her girl institutes, which usually represents night work. I will say frankly, that to my mind, her expenses are a little high, yet I am thoroughly convinced that, everything considered, she is a bargain to the State. If this Legislature is wise, it will back this remarkable woman.

One lady in the United States Extension Service told me that if I had five women like Mrs. Landrum I "could turn the State upside down." Mrs. Landrum cost the State of Texas the

last fiscal year \$3,349.04. This is salary and all expenses.

If what you do, how you do it, and how much you do is any criterion many a person in Texas is paid more than this for salary alone, who does less than Mrs. Landrum.

Concerning my trip to Virginia, will say the Southern Commercial Congress honored me with a place on their program to discuss the "Relation of Cotton to International Reconstruction." This was the third consecutive year they have so honored me. I accepted the place on their program and had the pleasure of receiving very favorable comments on my efforts there, both in the local press of Norfolk and the Manufacturer's Record. It was previously understood that the Southern Commissioners of Agriculture would hold their annual convention at Richmond just following the meeting of the Southern Commercial Congress at Norfolk. Consequently, I had a double purpose in making the trip. This was my first meeting with the Association of Southern Commissioners of Agriculture, and they honored me by electing me their secretary, and in addition, voted to hold their next annual convention in Texas. The Southern Commercial Congress placed me on their resolutions committee and their standing committee on foreign trade. I made this trip and did what I could for the State of Texas. If the Attorney General rules that I had no right to make this trip at the State's expense, I will dig it up out of my own private funds, for all my life I have been considered good for my debts.

As Director of Institutes, Dr. Neill represented Texas in the National Institute held in Washington. He has been attending these National meetings for the last four years. This National Institute takes place in Mexico, Canada, Cuba, Hawaii, Porto Rico and Prince Edward Island. Mr. Neill is a member of a committee of three selected to represent all these interests on institute organizations and methods. He is also chairman of the finance committee. The State should feel proud of him and gladly pay his expenses to the national meetings, and pay national dues. His work is inquired after throughout the Union.

Men, both publicly and privately, should endeavor to make as few errors as possible, but it was not given to

mortal man to do everything the very best way. Neither do fair-minded people expect it. Not only does the human rule, but we are taught that the divine plan carries a debt and credit side, judgment to be according to the balance in the final record. Applying this rule, what does the average show? Who has sought to find the lowest or the average half as diligently as they have the highest of our accounts? The books show nine regular institute workers, including Mrs. Landrum, who worked for full twelve months, and had an average expense of \$76.08 per month, including hotel, transportation and other smaller items. In connection with this, I want to call your attention to the sacrifices which some of the workers of this Department have been making which is certainly a proof, not only of their patriotism, but the earnestness with which this Department has been, and is now, working.

Two of the men workers have been offered \$1,200.00 per year more than the State is paying. One was offered a 50 per cent raise. Another was offered \$1,000.00 per year raise. Another resigned a college chair in agriculture, carrying \$2,400.00 per year salary, and took a place in this Department at \$1,200.00 per year. Another is serving the State for about one-fifth what his talent is really worth. Another working for the development of the edible nut industry of the State, whose qualifications are second to none, is serving at a salary of \$1,200.00 per year, while the only other man in the State doing similar work is getting \$2,500.00 per year.

Should such sacrifices as these go unrewarded? Should these workers be covered with a cloud of suspicion and possibly injured before the public, by giving out extreme items to be used as a basis for a decision? Is the force of the government to be negative instead of positive; seeking grounds for disruption and ill feeling between its different branches, or should fair estimates be made, and ground for co-operation be sought? Simple justice demanded a comparison of my expenditures and work with other State forces in order that I might stand or fall on merit solely. No one could object to this, for all are willing to stand by their acts, I am sure. I wish to say that I hear no ill feeling, and have absolutely nothing to conceal. I will as-

sist the committee in any way I can but contemplating a brief public career and having always claimed to be a conscientious man, I felt duty bound to write you plainly, in order that everything might be thoroughly understood; this and nothing more. I would no more steal public confidence by pretending to be what I am not than I would steal a horse.

Agriculture is the only indispensable vocation of man. It is the State's largest asset, the most talked of in politics and the least cared for by politicians. The Agricultural Department of this great State, with its almost undreamed of possibilities, should be second only to the National Department of Agriculture, and should be directed by a man of unusual ability, patience and diplomacy. He should, as far as possible, be permitted to steer clear of political factions, in order that he might retain public confidence and be removed from the gibes and schemes of those who prowl in the political kennels and fatten therefrom. This statement does not refer to the resolution or any act of the Senate, but to rumors in the Senate concerning my democracy, my alleged secret opposition to this administration, and various departments, etc.—statements which no man on earth can begin to prove.

It was stated in the Senate that the State should bid for good jurists. Why not bid for a good Commissioner of Agriculture? It would not cost the tax payers one-fiftieth as much to do so.

At the present time, warring countries are appealing to their farmers to save them from starvation, after having, in most instances, neglected them for all the centuries past. I sometimes wonder if it will take means as drastic to wake us up. Already the cry of hunger is heard in the land. The black hand of anarchy is raised now and then—the inevitable attitude of an underfed people. The game of farming is being abandoned at an alarming rate, while the majority of those remaining in the country are homeless. This condition has been reached in this Empire State, under the State's own management of her domain, which was fertile, extensive and virgin. What a reward for pretended instead of real interest, forgotten promises and neglect! At this rate, what will the next half century bring?

This Department will work with all of its might with whatever means are placed at its disposal. Unanimity of interest should not be expected. In no line of endeavor do we get all the sweet and none of the bitter. Shortcomings are found in all public and private efforts, in education, in religion, and in all daily walks of life.

I can truthfully say that the people are using this Department to the extent of our ability to assist them, and are asking for additional assistance which we are sometimes unable to give. The judgment of the Legislature will be the measure of our opportunity. It is up to them.

You have known me from childhood, and I leave you to take such notice of this as your own conscience and judgment may dictate.

Your friend,
FRED W. DAVIS,
Commissioner of Agriculture.

An Appeal.

Bloomington, Texas, March 13, 1917.
Hon. John Bailey, Austin, Texas.

Dear Sir: As I, being a citizen of the State and a tax payer of the County of Goliad, although a colored person as well as a minister of the Gospel, and I do not think that the same would debar me from laying a serious matter before you for your earnest consideration, for the protection and benefit of the State Government records as to its pureness. First, I will outline my present standing as a minister and denomination. I am a regularly ordained minister of the Gospel, a Baptist, also a member of the regular Baptist Association of Texas. My membership is with the True Vine regular Baptist church, located at Cuero, Texas, I having a commission of authority from the church and the executive of the association to do missionary work throughout the entire State. I located here and went to work. I find here a great amount of darkness, up and down the Guadalupe River being known a set in vain worship, called Primitive Baptist. As Roger Williams was the first Baptist ever known in this country, i. e. the United States, and the principles that were laid down by him in governing the Baptist churches are the only ones that are followed by all Baptists, regardless of the different ex-

ecutive power and names, same faith and rules of Williams, except these primitives' sect. These people assemble together once a month. They preach that everybody is in the wrong. They do not believe in Sabbath school, or prayer meetings and neither collections, and preach against the New Testament, telling the undergrowth to wait until the Lord calls them.

Now, the part that I say, to keep the records pure on this line, is this: Two or three of the members of this worship can verbally authorize a man to be the preacher, without ecclesiastic authority or examination, and the preachers upon their say are considered O. K. by our government at present, as it stands unnoticed. This same preacher can and does perform matrimonial ceremonies for the sum of fifty cents.

The doctrine is bad enough, but I think that this matter should be rectified by a stringent law, for the protection of the records or the ones now marrying, and a further protection to the magistrates and ministers as to their regular fees (\$2.50), as these people have sent and have men preaching and marrying folk and the men can not read a word out of the Bible—a disgrace to the morals of public worship.

I find here among this community that composed of that class of people, young people at the age of 16 to 20 years never seen a Sabbath school. This matter has been going on up and down here for the last forty years. I suggest that an Act should be passed at this term of the Legislature providing for a bureau in each county, appointed by the county judge, drawn from different denominations, to amount of seven persons, to examine an applicant, and if he passes, the bureau to recommend the same to his church for ordination, and applicant to pay a fee of \$3.00, pass or not, and after the applicant is ordained, given full minister's rights, his certificate of authority should be recorded, by applicant paying the recording fees, and at any time that any minister of the Gospel performs a matrimonial ceremony he should transmit his certificate with the official marriage license, to be proof to the recording clerk.

If such a rule was enforced, these old so-said Gospel bukers would be called in and set aside, and the undergrowth would accept civilization instead of

heathenism, and the same would purify our records in all denominations, and the same would be constitutional.

I organized a Sunday school here and they rebuke it and me every time that the so-called preacher comes, and this class of people that believe in his saying are in the majority. They are darker and worse than the African to deal with.

Hoping that you will consider this for its purity, will await your reply.

Respectfully,

REV. GEO. W. LANE, Colored
Secretary, Regular Baptist Association
of Texas.

Committee Reports.

Committee Room,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the
Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 117, A bill to be entitled "An Act to amend Chapter 1 of Title 49, of the Revised Civil Statutes of Texas, 1911, providing for the time and place of holding of elections by adding thereto Article 2919a, providing that in all instances where practicable, all elections shall be held in some school house, fire station or other public building within the limits of the election precinct without charge therefor, except for actual additional expenses, and authorizing such use of public building and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate, with the recommendation that it do pass, and be not printed.

Dayton, Chairman; Page, Decherd, King, Bailey, Johnston of Harris.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the
Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 771, A bill to be entitled "An Act requiring district courts to remain open for the transaction of business from day to day for the entire terms provided by law; prohibiting the judges of such courts from closing

same before the last day of the terms as fixed by law, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bailey, Chairman; Hopkins, Dean, Bee, King, Lattimore, Alderdice, Hall, Suiter.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the
Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 239, A bill to be entitled "An Act to diminish the civil jurisdiction of the county court of Falls County, Texas; conferring said civil jurisdiction upon the district court of said county and conforming the jurisdiction of said district court to said change; repealing all laws and parts of laws in conflict or inconsistent herewith and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Parr, Chairman; Woodward, Johnston of Harris, Smith, Clark.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the
Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 785, A bill to be entitled "An Act to create a more efficient road law for Wilson County, Texas, fixing the compensation of the commissioners of Wilson County when acting as ex officio road commissioners, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Buchanan of Scurry, Smith, Strickland, Floyd, Clark,

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 2, A resolution to be entitled "Proposing an amendment of Section 55 of Article 3 of the Constitution of the State of Texas by adding thereto a provision barring the right to bring suit for the collection of delinquent taxes after four years from the date of delinquency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, and be printed in the Journal only.

Westbrook, Chairman; Suiter, Buchanan of Scurry, Dean, Johnston of Harris, Page, McNealus, Johnson.

By Buchanan of Bell, S. J. R. No. 2
Buchanan of Scurry.

Proposed amendment to the State Constitution providing that the Legislature shall have the power to release the payment of delinquent taxes where no action is brought within four years to recover such taxes after same become delinquent.

SENATE JOINT RESOLUTION.

Proposing an amendment to Section 55 of Article 3 of the Constitution of the State of Texas, by adding thereto a provision barring the right to bring suit for the collection of delinquent taxes after four years from the date of such delinquency.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 55 of Article 3 of the Constitution of the State of Texas be so amended as to hereafter read as follows:

Sec. 2. The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any incorporation or individual, to this State, or to any county or other municipal corporation therein; provided, however, that under legislative provision no action shall be maintained in any court of this State for the col-

lection of delinquent taxes after four years from the date of such delinquency.

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors for members of the Legislature at an election to be held throughout the State of Texas on the fourth Saturday in July, 1918, the same being the — day of July, 1918, and the Governor of this State is hereby directed to issue the necessary proclamation for said election, and to have same published, as required by the Constitution and laws of this State. Those favoring the amendment shall have written or printed on their ballots the words, "For amendment to Section 55 of Article 3 of the Constitution, barring the right to recover delinquent taxes after four years from such delinquency." Those opposing the amendment shall have written or printed on their ballots the words, "Against amendment to Section 55 of Article 3 of the Constitution, barring the right to recover delinquent taxes after four years from the date of such delinquency."

Sec. 4. The sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of such proclamation, publication and election.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 754, A bill to be entitled "An Act to amend Article 2814 of the Revised Civil Statutes of the State of Texas, 1911, so as to confer upon the State Superintendent of Public Instruction the authority upon satisfactory evidence being presented, to reinstate a teacher's certificate theretofore cancelled by him and giving right of appeal to the State Board of Education,"

Have had the same under consideration, and beg to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Bailey, Alderdice, Harley, Robbins, Buchanan of Scurry, Decherd, Dayton, Johnson.

Committee Room,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred

H. B. No. 840, A bill to be entitled "An Act to increase the limits of Talpa Independent School District, repealing all laws so far as they conflict herewith, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate, with the recommendation that it do pass and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 834, A bill to be entitled "An Act creating the Bertram Independent School District in Burnet County, Texas, including the present Bertram Independent School District; providing for a board of trustees in said independent school district; conferring upon said district and its board of trustees all of the rights, powers, privileges and duties now conferred and imposed upon independent school districts and the board of trustees thereof; providing that no clause or section of this Act shall interfere in any way with outstanding bonded indebtedness of the present Bertram Independent School District or the local maintenance tax heretofore levied and collected in said district, and declaring an emergency."

Have had the same under consideration, and beg to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Bailey, Alderdice, Harley, Robbins, Buchanan of Scurry, Decherd, Dayton, Johnson.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 591, A bill to be entitled "An Act to transfer to the board of county school trustees all rights and powers pertaining to the public free schools that have heretofore been vested in the county commissioners' court, and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and beg leave to report the bill back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Buchanan of Scurry, Floyd, Page, Decherd, Johnson, Bailey, Smith, Alderdice, Harley, Robbins, Dayton, Lattimore, Dean, Gibson.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 484, A bill to be entitled "An Act to establish at Sherman, Grayson County, Texas, a junior agricultural, mechanical and industrial college, to be known as the Munson Vocational College, making an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Dayton, Bailey, Alderdice, Floyd, Smith, Buchanan of Scurry, Decherd, Dean, Page, Gibson, Johnson, Harley.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 488, A bill to be entitled "An Act adding to and making a part of the Kingsland Independent School District of Llano County, Texas, certain lands and territory adjoining thereto situated in Burnet County, Texas, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Dayton, Buchanan of Scurry, Decherd, Floyd, Smith, Page, Dean, Gibson, Robbins, Johnson, Alderdice.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 489, A bill to be entitled "An Act creating and incorporating the Mercedes Independent School District in Hidalgo County, Texas, for free school purposes only; defining its boundaries, and providing for the election of a board of trustees; providing for continuing in office the present board of trustees until the expiration of their terms of office; providing for the raising of revenues by taxation, issuing of bonds for raising money for building and equipping purposes, and for maintaining public free schools therein; providing for the ordering of an election for the newly created district to determine whether or not a tax of not exceeding fifty cents on the one hundred dollars valuation of property shall be levied for bonds and for maintaining public free schools therein; empowering the school board to transport children to and from school; vesting the property of the old Mercedes Independent School District in said Mercedes Independent School District created by this Act, and vesting district and board of trustees thereof with all the rights, powers and privileges and duties conferred and imposed by the General Laws upon independent school districts and the board of trustees thereof formed by the incorporation of a city or town for free school purposes only under the General Laws, and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass and be not printed.

BEE, Chairman.

Enrolling Committee Reports.

Committee Room.

Austin, Texas, March 15, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 394 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 388 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 445 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 469 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 116 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented

same to the Governor for his approval.

SMITH, Chairman.

Committee Room.

Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 368 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By King

S. B. No. 368

An Act to amend Article 6096, Chapter 1, Title 101 of the Revised Civil Statutes of the State of Texas, pertaining to partitions and authorizing the partition of any real estate, or of any interest therein, or of any mineral, coal, petroleum or gas lands, whether held in fee or by lease or otherwise, and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 6096, Chapter 1, Title 101 of the Revised Civil Statutes of the State of Texas is hereby so amended that it shall hereafter read as follows:

"Article 6096. Any joint owner or claimant of any real estate or of any interest therein or of any mineral, coal, petroleum, or gas lands, whether held in fee or by lease or otherwise, may compel a partition thereof between the other joint owners or claimants thereof in the manner provided in the succeeding articles of this chapter."

Sec. 2. From the fact that there is no law by which joint owners or claimants of mineral, coal, petroleum, or gas lands, whether held in fee or by lease, can compel partition thereof, an emergency is created and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby suspended and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 390 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Dayton.

S. B. No. 390.

An Act to amend an Act, entitled "An Act to provide for the establishment and maintenance of a State Training School upon the cottage plan for dependent and delinquent girls in Texas, to locate same and provide for its control and management, and to make conditional appropriations, and to provide for private, county and city donations for its establishment and declaring an emergency," which Act is known as Chapter 144 of the Acts of the Thirty-third Legislature, and making it an offense to persuade, coerce or employ any inmate of such institution, or any home selected by the authorities thereof for any girl committed to such institution, to leave such institution or home, and making it an offense to aid, advise, encourage or furnish means for any inmate to escape from said institution or to aid or facilitate such escape, or to hide or conceal any inmate after she has escaped, and providing for punishment therefor.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 9 of Chapter 144, Acts of the Thirty-third Legislature, page 289, approved by the Governor April 7, 1913, be and the same is hereby amended so as to hereafter read as follows:

Sec. 9. Any person who shall persuade, coerce, employ or induce in any manner, directly or indirectly, any girl who has been committed to the Girls' Training School, to leave such institution without the consent of the superintendent of such institution, or who shall persuade, coerce, employ or induce any girl who has been committed to said Girls' Training School, and has been placed in a home by the

authorities of said school, to leave said home so selected for her, without the consent of said superintendent of the Girls' Training School, or any person who shall knowingly in any manner, directly or indirectly, aid, advise, encourage or abet any inmate of said Girls' Training School to escape from such institution, or shall furnish means of escape, or for aiding or facilitating the escape of such inmate, or any person who knowingly hides or conceals any inmate of said Girls' Training School who has escaped or left such institution without the consent of the superintendent, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars, or by punishment in the county jail for not less than thirty nor more than sixty days, or by both such fine and imprisonment.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Sec. 3. The near approach of the close of the session and the importance of the bill to the control and proper management of the Girls' Training School of Gainesville, Texas, gives rise to an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and also creates an emergency requiring that this bill take effect from and after its passage, and said rule is hereby suspended and this bill is declared to take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 15, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 268 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Buchanan of Scurry. S. B. No. 268

An Act directing the State Superintendent of Public Instruction to require county judges when acting as ex officio county school superintendents, county, city and town

superintendents, county and city treasurers and depositories, and treasurers and depositories of school boards and other school officers and teachers certain reports relating to school funds and school affairs; providing that the State Superintendent shall furnish blanks for such purposes; providing a penalty for a failure on the part of such officers to make such reports within twenty days after required by the State Superintendent, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State Superintendent of Public Instruction shall require county judges acting as ex officio county superintendents of public schools, county, city and town superintendents, county and city treasurers and depositories, and treasurers and depositories of school boards, and other school officers and teachers, such school reports relating to the school fund and other school affairs as he may deem proper for collecting information and advancing the interests of the public schools, and shall furnish the county, city and town superintendents, treasurers and depositories and other school officers and teachers for the use of such teachers and officers necessary blanks and forms for making such reports and carrying out such instructions as may be required by them, and any county judge acting as ex officio county superintendents, or county, city or town superintendents, assessor, county treasurer, county depository or treasurer or depository of any school district or teacher who shall wilfully fail to make such report within thirty days after the same shall have been required by the State Superintendent to be filed, shall be deemed guilty of a misdemeanor and shall on conviction be fined in any sum not less than \$50.00 nor more than \$500.00, or by confinement in the county jail for not less than thirty, nor more than sixty days, or by both such fine and imprisonment, and the State Superintendent of Public Instruction shall withhold warrants for further payment of State appropriation until the aforesaid officials have made satisfactory reports as herein directed.

Sec. 2. The fact that under the holding of the Court of Criminal Ap-

peals of this State, in the case of Hall versus State, decided October 18, 1916, there is now no law prescribing a penalty for the failure to make reports now required by law, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills be read on three several days be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, March 15, 1917.

Hon W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 264 and find it correctly enrolled, and have this day at 4:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Dean.

S. B. No. 264

An Act to authorize and permit W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the last will of Mrs. Delha Eastham, deceased, to sue the State of Texas, and the Prison Commission of the State of Texas, in the district court of Travis county for damages for the breaches, if any, of, and the failure, if any, to perform the duties and obligations, if any, arising out of the contract made between Mrs. Delha Eastham, then a widow, now deceased, and J. A. Herring, then superintendent, and J. C. Haynes, then financial agent, of the penitentiaries of the State of Texas, for the cultivation, with convict labor, of the farm of the said Mrs. Delha Eastham, situated in Houston county, Texas, for the term of two years, beginning on the first day of January, A. D. 1910, and ending on the 31st day of December, A. D. 1911, which said farm consists of about four thousand acres of cultivable land, and providing no pleas of limitations shall be urged in bar of the cause of action alleged by the plaintiffs in said suit, and providing that no execution shall issue on the judgment, if any, rendered therein, but that such judgment shall be rec-

ognized as a valid claim by the Prison Commission, and providing for the manner of payment thereof.

Be it enacted by the Legislature of the State of Texas:

Section 1. That W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the will of Mrs. Delha Eastham, deceased, be and they are hereby authorized and permitted to sue the State of Texas and the Prison Commission of the State of Texas, in the district court of Travis county, Texas, for damages for the breaches claimed by them on the part of the Prison Commission of the State of Texas of the contract and for the failure claimed by them of said Prison Commission to perform the duties and obligations arising out of the contract made between the said Mrs. Delha Eastham in her lifetime and J. A. Herring, as superintendent, and J. C. Haynes, as financial agent, of the penitentiaries of the State of Texas, which said contract provides for the cultivation on the share system, with convict labor, for a period of two years, commencing January 1, A. D. 1910, and ending December 31, A. D. 1911, of the farm of the said Mrs. Delha Eastham, consisting of about four thousand acres and lying and being situated in Houston county, Texas, and the said W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., are hereby fully authorized, empowered and permitted, as such executors and devisees, in such suit, to set up and urge the breaches, if any, of said contract by the Prison Commission of the State of Texas, and the failure, if any, by the Prison Commission of the State of Texas to perform the duties and obligations, if any, arising out of said contract.

If, in such suit, the court shall determine that said contract was a valid obligation, which the State, or the Prison Commission, owed the said Mrs. Delha Eastham the legal duty to perform, and that the State, or the Prison Commission thereof, by reason of the execution of the said contract, legally owned duties and obligations to said Mrs. Delha Eastham, in the matter of the cultivation of the farm covered by said contract, and that there have been breaches of said contract, or the failure to perform such duties and obligations, the dam-

ages therefor shall in such suit be determined and adjudged, but no execution may issue on said judgment, and in such action neither the Prison Commission or the State of Texas shall urge any pleas of limitation in bar of the cause of action alleged by the plaintiff; but if final judgment should be rendered and such judgment shall be finally determined by the Court of Civil Appeals and the Supreme Courts in favor of plaintiff, determining the said Mrs. Delha Eastham sustained damage by occasion of the breaches, if any, of said contract, or on account of the failure, if any, on the part of the Prison Commission, or the State of Texas, to perform the duties and obligations, if any, arising out of said contract, then such judgment shall be recognized by the Prison Commission as a valid obligation and shall be paid by it in due course along with the other indebtedness incurred by said Prison Commission, and shall be as binding on the Prison Commission and upon the State of Texas as any other valid indebtedness incurred by said Prison Commission.

APPENDIX B.

By Mendell and H. B. No. 151.
Nichols.

A BILL To Be Entitled

An Act to make fraudulent advertising a penal offense, and prescribing a penalty and making each day the same is committed a separate offense.

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person, firm, corporation, association or any officer or agent of or for any of same, shall knowingly make, publish, post, circulate, disseminate or in any from, manner or way whatsoever, present to or before the public or any part or person thereof, or cause the same to be done, any advertisement, representation or statement in any county of this State, with intent, design or purpose to sell, transfer, lease or in any manner dispose of, to the public or any part or person thereof, any lands, dry goods, wares, merchandise or live stock, which advertisement, representation or statement is misleading or deceptive in any mate-

rial particular, or to any such matters or things so advertised or which contains any representation or presentation or fact or facts, which is or are untrue in any material particular, as to any such matters or things so advertised shall be guilty of fraudulent advertising and upon conviction shall be fined in any sum not less than ten dollars nor more than two hundred dollars for each offense.

Sec. 2. Provided that each day the fraudulent advertising is made shall be deemed a separate offense.

Sec. 3. Be it further provided, that the owner, publishers or circulator of any newspaper, magazine or periodical cannot be held liable under the provisions of this Act; that same shall apply to persons, firms, corporations, associations or any agent therefor who prepares and has such untrue advertising matter published.

Engrossed Rider to House Bill
No. 151.

Amend H. B. No. 151 by striking out the words "or are" in line 22, page 1, and insert in lieu thereof the words "known to be."

March 2, 1917, adopted.

BOB BARKER,
Chief Clerk, House of Representatives.

FIFTY-SECOND DAY.

Senate Chamber;
Austin, Texas,
Friday, March 16, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Henderson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	Page.
Dayton.	Parr.
Dean.	Smith.
Decherd.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.
Henderson.	